

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Lloyd Daniel Martin,

Plaintiff,

vs.

Marcus Rhodes,

Defendant.

Civil Action No. 5:22-2291-RMG

ORDER

This matter comes before the Court on the Report and Recommendation (“R & R”) of the Magistrate Judge recommending that Defendant’s motion to dismiss be granted. (Dkt. No. 74). Plaintiff, a pretrial detainee in a detention center operated by the Horry County Sheriff’s Office, alleged that there was a several week delay in providing him dental care following a shower accident. The Magistrate Judge found that Defendant, the sheriff of Horry County, is entitled to Eleventh Amendment immunity for suits against him in his official capacity and is entitled to state immunity for tort claims against him in his individual capacity. (*Id.* at 4-6). The Magistrate Judge further found that Defendant is not a “person” for claims against him in his official capacity under 42 U.S.C. § 1983, and Plaintiff has made no allegations against Defendant in his individual capacity which could plausibly state a claim for personal liability under § 1983 for deliberate indifference to Plaintiff’s medical needs. (*Id.* at 6-9). Plaintiff has filed no objections to the R & R.

The Court has reviewed the R & R and the record in this matter. The Court finds that the Magistrate Judge ably summarized the factual and legal issues in this matter and correctly concluded that Defendant's motion to dismiss should be granted. Therefore, the Court **ADOPTS** the R & R (Dkt. No. 74) as the order of the Court and **DISMISSES** this action.

AND IT IS SO ORDERED.

s/Richard M. Gergel
Richard Mark Gergel
United States District Judge

May 15, 2023
Charleston, South Carolina